

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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MARY DESMOND, THOMAS ZIOBROWSKI, )  
PAUL WATTS on their own behalf and on )  
behalf of other participants in the defendant ERISA )  
Plans )

**Plaintiffs,** )

v. )

Civil Action No. 05-cv-10355 NG

MORTON C. BATT, ANTHONY L. SCIALABBA,) )  
CITISTREET, LLC, WHITE & WILLIAMS, LLP, )  
SCIALABBA & MORRISON, P.C., )  
ANTHONY L. SCIALABBA & ASSOCIATES, )  
P.C. )  
THE STANDARD AUTOMOTIVE 401(K) PLAN,) )  
THE STANDARD AUTOMOTIVE EMPLOYER )  
CONTRIBUTION PLAN, )  
**Defendants.** )

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**JOINT STATEMENT**

Pursuant to Local Rule 16.1(D) and the Court's Notice of Scheduling Conference (May 12, 2005), the Parties having conferred as required submit the following joint statement:

**A. Introduction**

Pending before the Court are Plaintiff's Motion for a Preliminary Injunction and Defendants Anthony L. Scialabba and Anthony L. Scialabba and Associates, P.C. Motion to Dismiss or In the Alternative Transfer.

**B. Settlement**

Plaintiffs have tendered a settlement offer to each of the Defendants. The Parties would accept a referral to the Court's ADR program for a non-binding half-day mediation.

**C. Trial by Magistrate**

The parties do not assent to trial by the Magistrate Judge.

**D. Local Rule 16.1(D) Certifications**

Each party will file separately their/its own Local Rule 16.1(D) certification.

**E. Proposed Pretrial Schedule and Discovery Plan**

**1. Discovery Limits**

Subject to and without waiving the right to move the Court for additional discovery, the Parties agree to the discovery event limitations imposed by Local Rule 26.1(c).

**2. Discovery Schedules**

All parties propose the following schedule:

Initial disclosures under Rule 26(a)(1):	July 12, 2005 <sup>1</sup>
Opening of fact discovery:	July 12, 2005
Close of fact discovery:	January 13, 2006

Plaintiff proposes the following schedule in which Defendants Batt, White & Williams, LLP concur

Expert disclosure under Rule 26(a)(2) as to those issues for which the disclosing party has the burden of proof:	February 24, 2006
Rebuttal expert disclosure:	April 24, 2006
Close of expert discovery:	May 31, 2006
Service of dispositive motions:	June 9, 2006
Oppositions to dispositive motions	July 7, 2006

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<sup>1</sup> Defendants Anthony L. Scialabba and Anthony L. Scialabba and Associates, P.C. request that, in the event that the Court has not ruled on the pending motion to dismiss/transfer by June 30, 2005, the schedule outlined not begin until 2 weeks after any denial of said motion. Plaintiffs request that discovery commence as indicated regardless of the date of decision on pending motions.

Hearing on dispositive motions: To be set by Court

Final Pretrial Conference: To be set by Court

Trial date: To be set by Court

Defendants Anthony L. Scialabba and Anthony L. Scialabba and Associates, P.C. propose the following schedule:

Plaintiff's expert disclosure: February 24, 2006

Defendant's expert disclosure: April 24, 2006

Close of expert discovery: June 26, 2006

Service of dispositive motions: August 28, 2006

Oppositions to dispositive motions September 25, 2006

Hearing on dispositive motions: To be set by Court

Final Pretrial Conference: To be set by Court

Trial date: To be set by Court

Defendant Citistreet LLP proposes the following schedule:

Expert disclosure under Rule 26(a)(2)  
as to those issues for which the  
disclosing party has the burden of proof: February 24, 2006

Rebuttal expert disclosure: April 24, 2006

Close of expert discovery: June 26, 2006

Service of dispositive motions: August 28, 2006

Oppositions to dispositive motions September 25, 2006

Hearing on dispositive motions: To be set by Court

Final Pretrial Conference: To be set by Court

Trial date: To be set by Court

**F. Additional Issues**

None.

PLAINTIFFS MARY DESMOND, THOMAS ZIOBROWSKI, And  
PAUL WATTS.

By their attorneys,

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ANTHONY L. SCIALABBA and  
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Date: June 21, 2005

